

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL WAYNE BEARMAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-22-805-J
)	
GONZALES PEST CONTROL, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff, a state prisoner appearing pro se, filed a complaint alleging violations of his civil rights under 42 U.S.C. § 1983. This matter was referred to United States Magistrate Judge Amanda Maxfield Green consistent with 28 U.S.C. § 626(b)(1)(B). [Doc. No. 4]. Thereafter, Judge Green issued a Report and Recommendation recommending this action be dismissed without prejudice to re-filing unless Plaintiff files a proper in forma pauperis application or pays the \$402 filing fee in full to the Clerk of Court within twenty-one (21) days of any order adopting the Report and Recommendation. [Doc. No. 8]. Plaintiff was advised of his right to object to the Report and Recommendation by November 3, 2022. On October 26, 2022, Plaintiff filed a Motion to Proceed Lawsuit [Doc. No. 10], which the Court construes as an objection. In his objection, Plaintiff states that he has done all that the Court has ordered. Plaintiff also asserts that he has been unable to get a signature from an authorized officer at his penal institution or a certified copy of the statement of his institutional account for the six-month period immediately preceding filing of the Complaint.

If presented with a proper request for a certified copy of an inmate's institutional account for the six-month period immediately preceding the filing of a civil action and/or a proper request to sign an in forma pauperis application, an authorized officer at a penal institution should fulfill the request and provide the documents or signature. Based upon the issues raised in Plaintiff's

objection, the Court concludes that Plaintiff should be given additional time to cure the deficiencies noted by Judge Green to his in forma pauperis application. The Court also directs Plaintiff to provide a copy of this Order with his request for a copy of his institutional account and his request for a signature on his in forma pauperis application.

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 8] and ORDERS Plaintiff to file a properly signed in forma pauperis application with all required documents within thirty (30) days of the date of this Order. If Plaintiff does not file said application or pay the \$402 filing fee in full within thirty (30) days, the Court will dismiss this case without prejudice.

IT IS SO ORDERED this 1st day of November, 2022.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE